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OF THE
Two Hundred and Fourteenth Legislature
OF THE
STATE OF NEW JERSEY



2011

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REORGANIZATION PLANS

(1797)

REORGANIZATION PLAN NO.001-2011

A PLAN FOR THE ABOLITION OF THE COUNCIL
ON AFFORDABLE HOUSING AND PROVIDING FOR THE
TRANSFER OF THE FUNCTIONS, POWERS, AND DUTIES OF THE
COUNCIL ON AFFORDABLE HOUSING TO THE DEPARTMENT
OF COMMUNITY AFFAIRS

PLEASE TAKE NOTICE that on June 29, 2011, Governor Chris Christie hereby issues this Reorganization Plan, No.001-2011 (the “Plan”), to abolish the Council on Affordable Housing (hereinafter referred to as the “Council” or “COAH”), thereby reducing expenditures and promoting economy and efficiency in the operations of the executive branch by eliminating a costly and burdensome regulatory agency. This Plan furthers the efforts of the Executive Branch to implement the recommendations of the Red Tape Review Group created by Executive Order No. 3 (2010). In its April 19, 2010 report, the Red Tape Review Group specifically noted the urgent need to reform the State’s affordable housing policy to relieve the burdens imposed on municipalities and taxpayers by the existing system of development. This plan also advances the goals outlined in Executive Order No. 12, which created the Housing Opportunity Task Force, to more efficiently and effectively satisfy the State’s affordable housing obligation, and sets the stage for further implementation of the recommendations contained in the Housing Opportunity Task Force’s March 19, 2010 final report.

GENERAL STATEMENT OF PURPOSE

The purpose of this Plan is to reduce the unnecessary complexity of affordable housing administration in New Jersey, lower the administrative costs associated with the present regulatory process, and streamline the development of new housing projects. Under current law, the Department of Community Affairs (the “Department”) is responsible for providing assistance to municipalities, and is charged with oversight of the affairs of local governments. The Department also operates numerous affordable housing programs funded by the Department of Housing and Urban Development and the State of New Jersey. The performance of these obligations can be significantly improved and streamlined by consolidating the statutory functions, powers, and duties of the Council with those of the Department. Accordingly, this Plan transfers all functions, powers, duties, and personnel of the Council, in but not of the Department of Community Affairs, to the

Commissioner of the Department. The terms of offices of all existing members of the Council will be abolished.

Placing the administration of affordable housing under the direction of the Department will produce significant cost savings to State and local government taxpayers. First, municipal development will be achieved through a single, predictable rule-making process conducted under the familiar and well-established provisions of the Administrative Procedures Act. Second, local governments will be freed from the sometimes inconsistent directions provided by COAH and the Department, thereby reducing the legal and administrative costs resulting from regulatory uncertainty. Third, the Department can effectively manage the State's affordable housing obligations without the necessity of the multi-member Council and a separate full-time staff. Taxpayers will also benefit from the elimination of the compensation paid to COAH board members for their time, travel costs, and attendance at meetings.

Finally, this Plan will address the needs of both the providers and beneficiaries of affordable housing in New Jersey by organizing all programs within a single regulatory body. Consolidating the authority for housing in the Department will reduce bureaucracy and foster predictability and consistency for developers and housing advocates alike, curb procedural inefficiencies and maneuvering, resulting litigation, and unreasonable delays and costs to municipalities and the private sector, while appropriately increasing the availability of affordable housing throughout the state.

NOW, THEREFORE, in accordance with the provisions of the Executive Reorganization Act of 1969, P.L.1969, c.203 (C.52:14C-1 et seq.), I find, with respect to the transfer, consolidation, and reorganization provided for in this Plan, that they are necessary in order to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. Promote the better execution of the laws, the more effective management of the Executive branch and of its agencies and functions, and the expeditious administration of the public business;
2. Reduce expenditures and promote economy consistent with the efficient operation of the Executive;
3. Increase the efficiency of the operations of the Executive;
4. Group, co-ordinate, and consolidate functions of the Executive according to major purposes; and
5. Eliminate overlapping and duplication of effort.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

1. The Council on Affordable Housing created pursuant to P.L.1985, c.222 (C.52:27D-301 et seq.) is abolished.

2. The terms of offices of all existing members of the Council are hereby abolished. All of the powers, functions, and duties exercised by the Council, including, but not limited to, those powers, functions, and duties pursuant to P.L.1985, c.222, as amended and supplemented (C.52:27D-301 et seq.), P.L.2004, c.120, s.25 (C.13:20-23), and P.L.2008, c.46 (C.40:55D-8.1 et seq.), are continued, transferred to, and vested in the Commissioner of the Department, to be organized within the Department as determined by the Commissioner, and shall henceforth be exercised by the Commissioner of the Department.

3. All files, books, papers, records, equipment, other property held by the Council, including, without limitation, monies authorized to be collected and applied to the costs of the program hereby transferred and any such property or monies received after the effective date of this plan, and personnel are transferred to the Department, pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.), and any monies are to be deposited in such accounts as may be required by law.

4. Whenever, in any law, rule, regulation, contract, order, document, judicial or administrative proceeding, or otherwise, reference to the Council is made, the same shall mean the Commissioner of the Department of Community Affairs or the Department, as appropriate, except where the context clearly requires otherwise.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L. 1969, c. 203. Specifically, this reorganization will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate, and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with Federal law or regulations shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver, or other means.

3. All acts and parts of acts and plans or parts of plans inconsistent with the provisions of this Plan are superseded to the extent of such inconsistencies.

4. If any provision of this Plan, or the application thereof to any person, or circumstance, or the exercise of any power or authority thereunder, is held invalid or contrary to the law, such holding shall not affect other provisions or applications of the Plan, or affect other exercises or power or authority under such provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

5. This Plan is intended to protect and promote public health, safety, and welfare, and shall be liberally construed to attain the objectives and effect the purposes thereof.

6. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L. 1971, c. 375 (C.52:14D-1 et seq.).

7. A copy of this Reorganization Plan was filed on June 29, 2011 with the Secretary of State and with the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective at the end of a period of 60 calendar days after the date of filing, unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than the end of such 60-calendar day period after the date of filing, should the Governor establish such a later date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed June 29, 2011.

Effective August 28, 2011.

REORGANIZATION PLAN NO.002-2011

A PLAN FOR THE TRANSFER OF THE STATE PLANNING
COMMISSION AND THE OFFICE OF SMART GROWTH AND THEIR
FUNCTIONS, POWERS, AND DUTIES FROM THE DEPARTMENT OF
COMMUNITY AFFAIRS TO THE DEPARTMENT OF STATE

PLEASE TAKE NOTICE that on June 29, 2011, Governor Chris Christie hereby issues this Reorganization Plan, No. 002-2011 (the “Plan”) to transfer the State Planning Commission and the Office of Smart Growth (hereinafter collectively referred to as the “State Planning Entities”) from the Department of Community Affairs to the Department of State, thereby promoting efficiency and effectiveness in the execution of the important growth planning and coordination responsibilities of the State Planning Entities. This Plan furthers the efforts of the Executive Branch to implement the recommendations of the Red Tape Review Group created by Executive Order No. 3 (2010). In its April 19, 2010 report, the Red Tape Review Group identified a need to strengthen the State Planning Entities and recommended transferring their functions to the Department of State in order to reinvigorate the planning functions of State government.

GENERAL STATEMENT OF PURPOSE

The purpose of this Plan is to streamline and realign important strategic and coordination responsibilities with respect to growth and land use planning in New Jersey. The State Planning Entities were established within the Department of the Treasury pursuant to the State Planning Act, and were subsequently reorganized within the Department of Community Affairs. These entities are charged with, inter alia, coordinating long-term and short-term planning for growth, economic development, urban renewal, agriculture, natural resource preservation, open space conservation, and other appropriate land uses throughout the State. The State Planning Entities’ responsibilities include working closely with stakeholders at the State and local levels and coordinating with principal departments of State government to target and coordinate the State’s resources and funding in ways that enhance the quality of life for residents of New Jersey.

The State Planning Entities are currently allocated within the Department of Community Affairs, which is primarily charged with providing administrative guidance, support, and technical assistance to local government units, as well as administrative responsibility regarding affordable housing. However, modern land use planning necessarily must integrate a large number of interests that are regulated by different agencies and departments of government, including transportation, housing, environmental protection, energy, economic development, public services, facilities, and institutions. New Jersey’s planning and regulatory environment has previously sent conflicting signals about where growth will be supported by State permits and policy. The Department of State enjoys central placement in

the architecture of State government and is well positioned to balance and coordinate the myriad of competing interests that must be reconciled in order to achieve successful land use and growth planning.

Moreover, pursuant to an Intergovernmental Agreement between the Department of State and the Department of Community Affairs executed in August 2010, the Department of State has been successfully assisting in the performance of many of the responsibilities undertaken in the past by the Department of Community Affairs. Consistent with the purposes of that agreement, this Plan transfers the State Planning Entities and all of their functions, powers, duties, and personnel from the Department of Community Affairs to the Department of State in order to better position them to accomplish their missions.

NOW, THEREFORE, in accordance with the provisions of the Executive Reorganization Act of 1969, P.L.1969, c.203 (C.52:14C-1 et seq.), I find, with respect to the transfer and reorganization provided for in this Plan, that they are necessary in order to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. Promote the better execution of the laws, the more effective management of the Executive branch and of its agencies and functions, and the expeditious administration of the public business;
2. Promote economy consistent with the efficient operation of the Executive;
3. Increase the efficiency of the operations of the Executive;
4. Group, co-ordinate, and consolidate functions of the Executive according to major purposes; and
5. Eliminate overlapping and duplication of effort.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

1. The State Planning Commission is transferred from the Department of Community Affairs to the Department of State.
2. The Office of Smart Growth is transferred from the Department of Community Affairs to the Department of State and is renamed as the "Office of Planning Advocacy."
3. The structure and operations of the State Planning Entities shall not be affected by this transfer. All of the powers, functions, and duties exercised by the State Planning Entities are continued, transferred, and vested in the

State Planning Commission and the Office of Planning Advocacy, as the case may be, and are allocated and organized within the Department of State.

4. All files, books, papers, records, equipment, other property held by the State Planning Entities, including, without limitation, funds and other resources, and personnel are transferred to the Department of State, pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.), and funds are to be deposited in such accounts as may be required by law.

5. Whenever, in any law, rule, regulation, contract, order, document, judicial or administrative proceeding, or otherwise, reference to the State Planning Commission in the Department of Community Affairs is made, the same shall mean the State Planning Commission in the Department of State, and whenever, in any law, rule, regulation, contract, order, document, judicial or administrative proceeding, or otherwise, reference to the Office of Smart Growth in the Department of Community Affairs is made, the same shall mean the Office of Planning Advocacy in the Department of State, except where the context clearly requires otherwise.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L.1969, c.203. Specifically, this reorganization will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate, and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with Federal law or regulations shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver, or other means.

3. All acts and parts of acts and reorganization plans or parts of reorganization plans inconsistent with the provisions of this Plan are superseded to the extent of such inconsistencies.

4. If any provision of this Plan, or the application thereof to any person, or circumstance, or the exercise of any power or authority thereunder, is held invalid or contrary to the law, such holding shall not affect other provisions or applications of the Plan, or affect other exercises or power or authority under such provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

5. This Plan is intended to protect and promote public health, safety, and welfare, and shall be liberally construed to attain the objectives and effect the purposes thereof.

6. All transfers directed by this Plan shall be effected pursuant to the “State Agency Transfer Act,” P.L.1971, c.375 (C.52:14D-1 et seq.).

7. A copy of this Reorganization Plan was filed on June 29, 2011 with the Secretary of State and with the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective at the end of a period of 60 calendar days after the date of filing, unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than the end of such 60-calendar day period after the date of filing, should the Governor establish such a later date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of “Reorganization Plans.”

Filed June 29, 2011.

Effective August 28, 2011.

REORGANIZATION PLAN NO.003-2011

A PLAN FOR THE TRANSFER OF THE DIVISION OF BUSINESS ASSISTANCE, MARKETING, AND INTERNATIONAL TRADE, AND ITS FUNCTIONS, POWERS, AND DUTIES FROM THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY TO THE DEPARTMENT OF STATE

PLEASE TAKE NOTICE that on June 29, 2011, Governor Chris Christie hereby issues this Reorganization Plan, No. 003-2011 (the “Plan”), to transfer the Division of Business Assistance, Marketing, and International Trade, commonly known as the Business Retention and Attraction Division (hereinafter referred to as the “Division”), within the New Jersey Economic Development Authority (the “Authority”), to the Department of State (the “Department”), thereby promoting efficiency and effectiveness in the operations of the executive branch by streamlining the management and execution of important business-related priorities of the State. This Plan furthers the efforts of the Executive Branch to implement the recommendations of the Red Tape Review Group created by Executive Order No. 3

(2010). In its April 19, 2010 report, the Red Tape Review Group endorsed a new model for job creation and retention, and economic growth and investment in the State, via the consolidation of existing economic development programs to a central entity under the supervision of the Lieutenant Governor in her capacity as Secretary of State.

GENERAL STATEMENT OF PURPOSE

The purpose of this Plan is to streamline important management and execution responsibilities with respect to business-related priorities of the State. The Division was established following a 2008 State government realignment pursuant to which certain business-related functions previously performed by the New Jersey Commerce Commission were transferred to the Authority. Division staff are responsible for focusing on domestic and international business attraction, expansion, and retention efforts, as well as outreach and planning functions and maintenance of a business call center. In 2010, the Administration announced the commencement of a multifaceted outreach and business-assistance effort headed by the Lieutenant Governor in her capacity as Secretary of State. The effort included organizational as well as strategic elements to attract new businesses to New Jersey and help existing businesses thrive by focusing on increased relationship-building and person-to-person outreach, coordinated promotion of state incentives and resources, and enhanced assistance for businesses navigating state government programs and processes. The Lieutenant Governor's efforts include the creation of the Business Action Center to serve as a comprehensive resource for all businesses located in, or considering relocation to, the State. Since that time, the Department and the Authority have entered into, and operated effectively under, a Memorandum of Understanding pursuant to which Authority personnel from the Division work closely with Department staff to support the efforts of the Business Action Center. This arrangement has proven successful in bringing increased customer services and coordination for businesses looking to remain, expand, or locate in New Jersey.

Consistent with the goals of that effort, the purpose of this Plan is to improve efficiency, promote coordination, and improve quality in the performance of the responsibilities of the Division by transferring its functions, powers, and duties to the Department to support the Business Action Center. Accordingly, this Plan transfers the Division and all of its functions, powers, duties, and personnel to the Department.

NOW, THEREFORE, in accordance with the provisions of the Executive Reorganization Act of 1969, P.L.1969, c.203 (C.52:14C-1 et seq.), I find, with respect to the transfer provided for in this Plan, that it is necessary in order to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. Promote the better execution of the laws, the more effective management of the Executive branch and of its agencies and functions, and the expeditious administration of the public business;
2. Promote economy consistent with the efficient operation of the Executive;
3. Increase the efficiency of the operations of the Executive;
4. Group, co-ordinate, and consolidate functions of the Executive according to major purposes; and
5. Eliminate overlapping and duplication of effort.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

1. The Division of Business Assistance, Marketing, and International Trade, commonly known as the Business Retention and Attraction Division, including the Motion Picture and Television Development Commission ("Motion Picture Commission"), which is in, but not of, the Division, within the New Jersey Economic Development Authority is transferred to the Department of State.
2. All of the powers, functions, and duties exercised by the Division, including the powers, functions and duties of the Motion Picture Commission, are continued, transferred, and vested in the Department, to be organized within the Department as determined by the Secretary of State, in support of the operations of the Business Action Center.
3. All files, books, papers, records, equipment, other property held by or on behalf of the Division, including, without limitation, funds and other resources, and personnel are transferred to the Department, pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.), and funds are to be deposited in such accounts as may be required by law.
4. Whenever, in any law, rule, regulation, contract, order, document, judicial or administrative proceeding, or otherwise, reference to the Division of Business Assistance, Marketing, and International Trade or the Business Retention and Attraction Division within the New Jersey Economic Development Authority is made, the same shall mean the Business

Action Center in the Department of State, and whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Motion Picture and Television Development Commission, the same shall mean and refer to the Motion Picture and Television Development Commission in, but not of, the Business Action Center, except where the context clearly requires otherwise.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L. 1969, c. 203. Specifically, this reorganization will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate, and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with Federal law or regulations shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver, or other means.

3. All acts and parts of acts and reorganization plans or parts of reorganization plans inconsistent with the provisions of this Plan are superseded to the extent of such inconsistencies.

4. If any provision of this Plan, or the application thereof to any person, or circumstance, or the exercise of any power or authority thereunder, is held invalid or contrary to the law, such holding shall not affect other provisions or applications of the Plan, or affect other exercises or power or authority under such provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

5. This Plan is intended to protect and promote public health, safety, and welfare, and shall be liberally construed to attain the objectives and effect the purposes thereof.

6. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L. 1971, c. 375 (C.52:14D-1 et seq.).

7. A copy of this Reorganization Plan was filed on June 29, 2011 with the Secretary of State and with the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective at the end of a period of 60 calendar days after the date of filing, unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than the end of such 60-calendar day pe-

riod after the date of filing, should the Governor establish such a later date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed June 29, 2011.

Effective August 28, 2011.

REORGANIZATION PLAN NO.004-2011

A PLAN FOR THE TRANSFER OF THE AMISTAD COMMISSION AND ITS FUNCTIONS, POWERS, AND DUTIES FROM THE DEPARTMENT OF STATE TO THE DEPARTMENT OF EDUCATION

PLEASE TAKE NOTICE that on June 29, 2011, Governor Chris Christie hereby issues this Reorganization Plan, No. 004-2011 (the "Plan"), to transfer the Amistad Commission (hereinafter referred to as the "Commission") from the Department of State to the Department of Education, thereby promoting efficiency and effectiveness in the execution of its important mission and responsibilities. This Plan furthers the ongoing efforts of the Administration to streamline and make more effective the operations of the Executive Branch in the interests of efficiency and economy, and to organize, group, and coordinate the agencies and functions of the Executive Branch according to major purposes so as to promote the better execution of the laws.

GENERAL STATEMENT OF PURPOSE

The purpose of this Plan is to improve efficiency and quality in the performance of the responsibilities of the Amistad Commission by relocating it within the Department of Education. The Amistad Commission ("Commission") was established pursuant to P.L. 2002, c. 75, as amended (C.52:16A-86 et seq.), in order to, inter alia, coordinate educational and other programs to promote awareness of the dehumanizing atrocities associated with the African slave trade, the legacy of slavery, and the positive contributions of African-Americans in building our country. More specifically, the Commission is charged with assisting educators in implementing the policy of the State of New Jersey that the history of the African slave trade and slavery in America, the depth of their impact on our society, and the triumphs of

African-Americans and their significant contributions to the development of this country are the proper concern of all people, and particularly students enrolled in the schools of the State of New Jersey.

Currently, the Commission is allocated within the Department of State, which is responsible for a variety of important functions including preserving and promoting the State's arts, history, and culture, as well as overseeing elections and promoting economic development and business-related assistance. In recognition of the Commission's significant educational mission, the Department of Education is currently required, pursuant to sections 2 and 3 of P.L. 2002, c. 75 (C.52:16A-86 et seq.), to provide appropriate assistance to the Commission. Such assistance includes, but is not limited to, developing educational curricula, disseminating information to educators, administrators and school districts, and conducting teacher workshops beneficial to the promotion of the mission of the Commission.

In order to improve efficiency and quality in the performance of the responsibilities of the Commission, this Plan provides for the transfer of the Commission to the Department of Education. The Department of Education employs experts in curriculum development and, by virtue of its significant educational oversight responsibilities, is uniquely positioned to work with educators and disseminate information to school districts and teachers throughout the State. Moreover, pursuant to an Agreement between the Department of State and the Department of Education executed last year, the Department of Education has been successfully assisting in the performance of many of the responsibilities undertaken in the past solely by the Department of State. Accordingly, this Plan transfers the Amistad Commission, along with all of its functions, powers, duties, and personnel, from the Department of State to the Department of Education. The Department of State and the Department of Education will continue their cooperation with respect to the Commission as contemplated by sections 2 and 3 of P.L. 2002, c. 75 (C.52:16A-86 et seq.).

NOW, THEREFORE, in accordance with the provisions of the "Executive Reorganization Act of 1969," P.L. 1969, P.L. 1969, c.203 (C.52:14C-1 et seq.), I find, with respect to the transfer, consolidation, and reorganization provided for in this Plan, that they are necessary in order to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. Promote the better execution of the laws, the more effective management of the Executive branch and of its agencies and functions, and the expeditious administration of the public business;

2. Reduce expenditures and promote economy consistent with the efficient operation of the Executive;
3. Increase the efficiency of the operations of the Executive;
4. Group, co-ordinate, and consolidate functions of the Executive according to major purposes; and
5. Eliminate overlapping and duplication of effort.

PROVISIONS OF THE REORGANIZATION PLAN

THEREFORE, I hereby order the following reorganization:

1. The Amistad Commission created pursuant to P.L.2002, c.75, as amended (C.52:16A-86 et seq.) is transferred from the Department of State to the Department of Education.
2. The terms of offices of all existing members of the Commission shall not be affected. All of the powers, functions, and duties exercised by the Commission are continued; provided, however, that notwithstanding the provisions of subsection (d) of section 2 of P.L.2002, c.75 (C.52:16A-87(d)) to the contrary, the Commissioner of Education shall serve as chair of the Commission and the Secretary of State shall serve as vice-chair of the Commission. Consistent with section 2 of P.L.2002, c.75 (C.52:16A-87), the New Jersey Historical Commission shall continue to advise and provide recommendations to the Amistad Commission, as appropriate.
3. All files, books, papers, records, equipment, other property held by the Commission, including, without limitation, funds and other resources, and personnel are transferred to the Department of Education, pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.), and any funds are to be deposited in such accounts as may be required by law.
4. Whenever, in any law, rule, regulation, contract, order, document, judicial or administrative proceeding or otherwise, reference to the Amistad Commission allocated within the Department of State is made, the same shall mean the Amistad Commission allocated within the Department of Education, except where the context clearly requires otherwise.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203. Specifically, this reorganization will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate, and consolidate functions in a more

consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with Federal law or regulations shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver or other means.

3. All acts and parts of acts and plans or parts of plans inconsistent with the provisions of this Plan are superseded to the extent of such inconsistencies.

4. If any provision of this Plan, or the application thereof to any person, or circumstance, or the exercise of any power or authority thereunder, is held invalid or contrary to the law, such holding shall not affect other provisions or applications of the Plan, or affect other exercises or power or authority under such provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

5. This Plan is intended to protect and promote public health, safety, and welfare, and shall be liberally construed to attain the objectives and effect the purposes thereof.

6. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

7. A copy of this Reorganization Plan was filed on June 29, 2011 with the Secretary of State and with the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective at the end of a period of 60 calendar days after the date of filing, unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than the end of such 60-calendar day period after the date of filing, should the Governor establish such a later date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed June 29, 2011.

Effective August 28, 2011.

REORGANIZATION PLAN NO.005-2011

A PLAN FOR THE ABOLITION OF THE NEW JERSEY COMMISSION
ON HIGHER EDUCATION AND PROVIDING FOR THE TRANSFER
OF THE FUNCTIONS, POWERS AND DUTIES OF THE COMMISSION
TO THE SECRETARY OF HIGHER EDUCATION

PLEASE TAKE NOTICE that on June 29, 2011, Governor Chris Christie hereby issues this Reorganization Plan, No. 005-2011 (the "Plan") to abolish the New Jersey Commission on Higher Education (hereinafter referred to as the "Commission") and to transfer the powers, functions, and duties of the Commission to the Secretary of Higher Education. This Plan furthers the ongoing efforts of the Executive Branch to implement the recommendations of the New Jersey Higher Education Task Force (the "Task Force") created by Executive Order No. 26 (2010) chaired by Governor Thomas H. Kean. In its December 2010 report, the Task Force specifically noted the immediate need for reform of the State's higher education governance structure to improve coordination, effectiveness, and accountability in service of New Jersey's students and residents. In this regard, the Task Force emphasized that New Jersey must reform its statewide coordinating structure for higher education and made various recommendations, including the elimination of the Commission on Higher Education, empowering the Secretary of Higher Education, and improving the strength and independence of boards of trustees. The Task Force also recommended the creation of a new advisory Governor's Higher Education Council which would assist and provide advice and support to the Secretary of Higher Education, while also advising the Governor on higher education issues.

GENERAL STATEMENT OF PURPOSE

The purpose of this Plan is to improve the effectiveness of the State's oversight of higher education, reduce the unnecessary complexity of higher education administration in New Jersey, lower administrative costs, and streamline decision-making. When the legislature recently created the position of the Secretary of Higher Education, it recognized the importance of continuously looking to improve the quality of higher education while simultaneously strengthening our statewide coordinating structure. Under current law, the Commission on Higher Education, comprised of 17 members, is allocated in but not of the Department of State and is responsible for a diverse array of important planning, advocacy, and regulatory matters,

including final agency decisionmaking over institutional licensure, new academic programs, and other important matters. The Secretary of Higher Education serves as the Executive Director of the Commission and is granted authority to, among other things, visit public institutions of higher education to examine how they conduct their affairs and to enforce observance of the laws of the State. Current law specifies that the Secretary shall hold cabinet level rank.

The performance of these obligations and responsibilities can be significantly improved by consolidating the statutory powers and duties of the Commission with those of the Secretary. The Secretary should be the primary advisor to the Governor on higher education matters and, commensurate with holding cabinet level rank, the Secretary should be empowered in the same manner as the other commissioners and secretaries of most of the principal departments of State government, with authority to make final agency determinations. Accordingly, this Plan transfers all functions, powers, duties, and personnel of the Commission, in but not of the Department of State, to the Secretary of Higher Education. The terms of offices of all existing members of the Commission will be abolished.

Placing the administration of higher education under the direction of the Secretary will produce greater efficiency and accountability in a structure that has proved effective for other principal departments of State government, with a single chief administrative officer overseeing State functions relating to higher education. As noted by the Task Force, higher education is indispensable to a thriving economy and a well functioning society. By consolidating these functions, the Secretary will be empowered to lead the statewide planning effort for higher education, and ensure transparency and accountability by institutions. Similarly, as a cabinet level official, the Secretary should be charged with advising and making recommendations to the Governor and the Legislature on significant matters involving higher education.

NOW, THEREFORE, in accordance with the provisions of the Executive Reorganization Act of 1969, P.L. 1969, c.203 (C.52:14C-1 et seq.), I find, with respect to the transfer, consolidation, and reorganization provided for in this Plan, that they are necessary in order to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. Promote the better execution of the laws, the more effective management of the Executive branch and of its agencies and functions, and the expeditious administration of the public business;

2. Reduce expenditures and promote economy consistent with the efficient operation of the Executive;
3. Increase the efficiency of the operations of the Executive;
4. Group, coordinate, and consolidate functions of the Executive according to major purposes;
5. Eliminate overlapping and duplication of efforts.

PROVISIONS OF THE REORGANIZATION PLAN

THEREFORE, I hereby order the following reorganization:

1. The New Jersey Commission on Higher Education created pursuant to P.L.1994, c.48 (C.18A:3B-13 et seq.) is abolished.
2. The terms of offices of all existing members of the Commission are hereby abolished. All of the powers, functions, and duties exercised by the Commission, including, but not limited to, those powers, functions, and duties granted pursuant to P.L.1994, c.48, (C.18A:3B-1 et seq.) as amended and supplemented, are continued, transferred to, and vested in the Secretary of Higher Education and shall henceforth be exercised by the Secretary.
3. All files, books, papers, records, equipment, and other property held by the Commission, including, without limitation, funds and other resources, are hereby transferred, and received after the effective date of this plan, are transferred to the Secretary, pursuant to the "State Agency Transfer Act," P.L. 1971, c.375 (C.52:14D-1 et seq.), to be deposited in such accounts as may be required by law.
4. Whenever, in any law, rule, regulation, contract, order, document, judicial or administrative proceeding, or otherwise, reference to the Commission of Higher Education or the Chair thereof is made, the same shall mean the Secretary of Higher Education, except where the context clearly requires otherwise.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L.1969, c.203. Specifically, this reorganization will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with Federal law or regulations shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver or other means.

3. All acts and parts of acts and plans or parts of plans inconsistent with the provisions of this Plan are superseded to the extent of such inconsistencies.

4. If any provision of this Plan, or the application thereof to any person, or circumstance, or the exercise of any power or authority thereunder, is held invalid or contrary to the law, such holding shall not affect other provisions or applications of the Plan, or affect other exercises or power or authority under such provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

5. This Plan is intended to protect and promote public health, safety, and welfare, and shall be liberally construed to attain the objectives and defect the purposes thereof.

6. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L. 1971, c.375 (C.52:14D-1 et seq.).

7. A copy of this Reorganization Plan was filed on June 29, 2011 with the Secretary of State and with the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective at the end of a period of 60 calendar days after the date of filing, unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than the end of such 60-calendar day period after the date of filing, should the Governor establish such a later date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed June 29, 2011.

Effective August 28, 2011.

